

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RANDALL E. COOK,

Petitioner,

vs.

CV 20-0476 KWR/JHR

RICHARD MARTINEZ and  
ATTORNEY GENERAL OF THE  
STATE OF NEW MEXICO,

Respondents.

**ORDER DENYING PETITIONER'S  
MOTION OF NON COMPLIANCE AS MOOT**

THIS MATTER comes before the Court on Petitioner Randall Cook's Motion of Non Compliance [Doc. 24], filed January 18, 2022. Having thoroughly reviewed the parties' submissions and the relevant law, the Court denies the Motion as moot.

This is a § 2254 proceeding, and the Court allowed an amendment. [Doc. 14, pp. 5-6; Doc. 19]. Cook filed a second amended § 2254 petition on November 29, 2021, [Doc. 16], and Respondents answered on January 10, 2022. [Doc. 21].

On January 18, 2022, Cook filed this motion of non-compliance because he did not receive all the documents in the Respondents' answer. [Doc. 24, p. 1]. He asks for the documents and extra time to reply. [*Id.*, p. 3]. Respondents re-sent him a complete copy of its answer on January 19, 2022, and Cook acknowledged that he received all the documents. [Docs. 25, 26]. Cook then filed an amended reply on February 22, 2022. [Doc. 27].

Because Cook received all the documents, the Court denies his motion of non-compliance [Doc. 24] as **Moot**. The Court acknowledges that Respondents re-sent all the documents after Cook's Motion; therefore, the Court accepts Cook's amended reply [Doc. 27] as a reply to the

underlying amended petition [Doc. 16].

SO ORDERED.



JERRY H. RITTER  
UNITED STATES MAGISTRATE JUDGE